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99 Wall Street
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EXAMINER

WASSUM, LUKE S

| ART UNIT | PAPER NUMBER |
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2177

DATE MAILED: 02/17/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

82

Office Action Summary

Application No.

09/932,004

Applicant(s)

NEECE ET AL.

Examiner

Luke S. Wassum

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The Invention

1. The claimed invention is a system for facilitating the hiring process, including searchable databases for job openings and positions.

Information Disclosure Statement

2. The Applicants' Information Disclosure Statement, filed 30 October 2001, has been received and entered into the record. Since the Information Disclosure Statement complies with the provisions of MPEP § 609, the references cited therein have been considered by the examiner. See attached form PTO-1449.

Specification

3. The disclosure is objected to because of the following informalities:

On page 4, last line, '1988' should be '1998'.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 recites the limitation "said results" in the query engine limitation. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 1 recites the limitation "said interactive database" in the last two limitations. There is insufficient antecedent basis for this limitation in the claim.

8. Regarding claim 4, the claim cites the existence of a plurality of search key fields. However, the claim goes on to cite that the key fields include 'selection criteria, coordination of interviews, preparation of questions, feedback from interviewers or candidate evaluations'.

In the database art, the term 'key field' is interpreted as a single field which holds a single piece of data. The examples of key fields cited in the claim do not conform to this interpretation, and thus render the claim indefinite.

9. Claim 7 recites the limitation "said key fields" in line 2. There is insufficient antecedent basis for this limitation in the claim.

10. Regarding claim 8, the limitations of the claim are general and vague to the degree that it is impossible to ascertain the meets and bounds of the patent protection sought. For instance, 'coordinating the exchange of information' is a vague concept, the specific type of information to be exchanged is not claimed, the specific steps of the hiring process included is not specified, and the concept of 'different levels of users' is neither claimed nor disclosed.

11. Claim 9 recites the limitation "said search key fields" in line 2. There is insufficient antecedent basis for this limitation in the claim.

12. Regarding claim 10, the 'third database' limitation cites that the database 'contains user modules, administration modules, option modules, search modules or tutorial modules'. However, in the database art, it is understood that databases contain data records. Modules are commonly interpreted as pieces of software designed to accomplish some task.

The citation of a database containing modules renders the claim indefinite.

13. Claim 12 recites the limitation "the information compiled on hiring practices within a hiring environment" in line 2. There is insufficient antecedent basis for this limitation in the claim.

14. Claims 2, 3, 5 and 6, inheriting the deficiencies of their parent claim 1 are also rendered indefinite, and are rejected as such.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 1 and 3-12 are rejected under 35 U.S.C. 102(e) as being anticipated by **Stimac** (U.S. Patent Application Publication 2003/0071852).

17. Regarding claim 1, **Stimac** teaches a computer readable medium of instructions configured as a multiple database information exchange management system used in network operations as claimed, comprising:

- a) a first database of information pertaining to a job opening, stored in electronically readable memory (see disclosure of the additional information, such as position contact information and location, that constitutes the claimed job opening, paragraphs [0128] through [0130]);
- b) a second database of positions information (see disclosure of positions information at paragraphs [0127] and [0128]);
- c) a server and communication port suitable for transmitting and receiving data and instructions in the form of electrical signals to and from remote computers (see disclosure that the system allows information to be electronically shared and portions of the recruitment process to be handled by different recruiters throughout the world, paragraphs [0009] through [0011]);
- d) a database management system for creating and revising records of said first database and said second database connected to said electrically readable memory responsive to the remote computers (see paragraphs [0128] through [0130]);
- e) an interactive database query engine connected to said memory, said engine configured to permit a plurality of searches by a plurality of users, and said searches operate on the results of previous searches, and said results are communicated between all users (see

paragraph [0127]; see also disclosure that various information can be shared globally, paragraphs [0009] through [0011]); and

- f) a process controller connected to said database management system, said interactive database and said server and communication port, wherein said interactive database is a company database containing human resource records (see disclosure of a method and system for managing the recruitment process and including a database of human resource information, paragraphs [0103] through [0108]).

18. Regarding claim 10, **Stimac** teaches a computer software system provided to execute hiring practices intelligently as claimed, said system comprising:

- a) a first database of information pertaining to job openings (see disclosure of the additional information, such as position contact information and location, that constitutes the claimed job opening, paragraphs [0128] through [0130]);
- b) a second database of positions information (see disclosure of positions information at paragraphs [0127] and [0128]);
- c) a third database of company records compiled by the human resources department, said third database containing user modules, administration modules, option modules, search modules or tutorial modules (see disclosure of a method and system for managing the recruitment process and including a database of human resource information, paragraphs [0103] through [0108]); and
- d) a database management system connected to the software linking it to multiple databases and multiple remote controllers (the claimed database management system being inherent in a system having the wide range and types of data of that taught in the

reference; see disclosure that the system can be used to share data worldwide, thus requiring multiple remote controllers, paragraphs [0009] through [0011]).

19. Regarding claim 11, **Stimac** teaches a method of hiring personnel intelligently as claimed, said method comprising the steps of:

- a) creating a computer readable file including information pertaining to job openings (see disclosure of the additional information, such as position contact information and location, that constitutes the claimed job opening, paragraphs [0128] through [0130]);
- b) uploading a portion of the computer readable file to a medium accessible via a computer network (see disclosure that the system can be used to share data worldwide, paragraphs [0009] through [0011], and that the preferred mechanism for data sharing is the Internet, paragraph [0100]);
- c) searching information in the uploaded portion of the computer readable file for the presence of information corresponding to information requested by a user (see disclosure of different search/retrieval functionality available, paragraphs [0126] and [0138]);
- d) accessing the information requested from relevant database in the network (see disclosure of different search/retrieval functionality available, paragraphs [0126] and [0138]);
- e) making available to the user information requested (see search results, paragraph [0127]);
and
- f) permitting the user to send said information via the computer network to another computer readable file located in the same hiring environment, to exchange said

information with another user (see disclosure that the system can be used to share data worldwide, paragraphs [0009] through [0011]).

20. Regarding claim 3, **Stimac** additionally teaches a computer readable medium further comprising a security means connected to said process controller (see userid/password access control, paragraph [0101]).

21. Regarding claim 4, **Stimac** additionally teaches a computer readable medium wherein the human resources records contain a plurality of search key fields including search criteria, coordination of interviews, preparation of questions, feedback from interviewers or candidate evaluations (see paragraphs [[0109] through [0111], [0128] through [0135]).

22. Regarding claim 5, **Stimac** additionally teaches a computer readable medium further comprising a database of instructions pertaining to training of users (see disclosure of interview tips which provides a helpful guide to interviewing, paragraph [0159]).

23. Regarding claim 6, **Stimac** additionally teaches a computer readable medium wherein said interactive database query engine includes means for searching key fields of a database for the satisfaction of one or more conditions, and means for reporting and exchanging all variables in said search key fields of records which satisfy said one or more conditions (see disclosure of different search/retrieval functionality available, paragraphs [0126] and [0138]; see also disclosure that the system can be used to share data worldwide, paragraphs [0009] through [0011]).

24. Regarding claim 7, **Stimac** additionally teaches a computer readable medium wherein said key fields include at least one of a customer administration key, an interview key, a report key, an options key, a search key or a tutorial key (see administration screen in paragraph [0102], and interview in paragraphs [0113] and [0131] through [0134]).

25. Regarding claim 8, **Stimac** additionally teaches a computer readable medium further comprising means for organizing the hiring process by coordinating the exchange of information at every step of the hiring process between different levels of users assigned for the hiring process (see disclosure that the system can be used to share data worldwide, paragraphs [0009] through [0011]).

26. Regarding claim 9, **Stimac** additionally teaches a computer readable medium further comprising means to restrict entries in at least one of said search key fields to a predetermined set of entries (see disclosure of the use of drop-down menus, effectively restricting entries in the search key fields, paragraphs [0103], [0109], [0117], [0128], [0129] and [0161]).

27. Regarding claim 12, **Stimac** additionally teaches a method of hiring personnel intelligently, further comprising the step of updating routinely the information compiled on hiring practices within a hiring environment (see updating, paragraphs [0108], [0127] and [0143]).

. Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2177

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

30. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

31. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Stimac** (U.S. Patent Application Publication 2003/0071852) as applied to claims 1 and 3-12 above, and further in view of **Taylor** (U.S. Patent 5,832,497).

32. Regarding claim 2, **Stimac** teaches a computer readable medium substantially as claimed.

Stimac does not explicitly teach a computer readable medium further comprising an accounting system connected to said process controller.

Taylor, however, teaches an accounting system connected to said process controller (see col. 2, line 13; see also col. 6, lines 47-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include an accounting system, since this would allow the operator of the system to charge a fee for its use (see col. 6, lines 47-57).

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Salmon et al. (U.S. Patent 5,592,375) teaches a system for brokering transactions between sellers and a buyer of goods or services.

McGovern et al. (U.S. Patent 5,978,768) teaches a method of providing an interactive employment recruiting service.

Nadkarni (U.S. Patent 6,266,659) teaches an on-line skills/resume management system.

Ogden (U.S. Patent 6,311,164) teaches a remote job application system.

McGovern et al. (U.S. Patent 6,370,510) teaches a method of providing an interactive employment recruiting service.

Williams et al. (U.S. Patent 6,618,734) teaches a pre-employment screening and assessment interview process.

Barton (U.S. Patent Application Publication 2002/0046074) teaches a method for managing a client's search for an employment candidate.

Dewar (U.S. Patent Application Publication 2002/0055866) teaches a method for testing and/or evaluating employees or potential employees.

Givens et al. (U.S. Patent Application Publication 2003/0050816) teaches a system for determining whether to hire a candidate for a job position.

Parker (U.S. Patent Application Publication 2003/0120531) teaches a system for recruiting personnel, including identifying potential job applicants and setting up an electronic docket for each candidate.

Dewar (U.S. Patent Application Publication 2003/0191680) teaches a method for testing and/or evaluating employees or potential employees.

Dewar (U.S. Patent Application Publication 2003/0195786) teaches a method for testing and/or evaluating employees or potential employees.

Dewar (U.S. Patent Application Publication 2003/0200136) teaches a method for testing and/or evaluating employees or potential employees.

Stimac (U.S. Provisional Patent Application 60/296,011) is the provisional patent application upon which is based the claim to priority of the primary reference in the rejections of record in this application.

While the following references do not qualify as prior art, they are also of interest:

Casati et al. (U.S. Patent Application Publication 2003/0191679) teaches an event management method for a computer implemented business process system.

Sciuk (U.S. Patent Application Publication 2003/0093322) teaches a system for automatically managing a multi-step process in which human providers are selected for some purpose.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 703-305-5706. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 703-746-5658.

Customer Service for Tech Center 2100 can be reached during regular business hours at (703) 306-5631, or fax (703) 746-7240.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Luke S. Wassum
Art Unit 2177